

DIVISION 3. STRUCTURES ON WATER SUPPLY RESERVOIRS

Sec. 9-69. Permit required; prior permits validated.

(a) The director of utilities, hereafter referred to as **Adirector@**, is hereby authorized to issue permits authorizing the construction, maintenance and use of bulkheads and/or piers, landings or similar structures made out into the waters of water supply reservoirs owned by the city from property adjacent to said waters owned by the city.

(b) Persons who would otherwise be subject to this division holding permits issued by the director of community improvement prior to the adoption of this division , pursuant to article IV of chapter 54 of the Code of the City of Norfolk, 1958, as amended [divisions 1 and 2 hereof], shall not be required to apply for permits pursuant to this section if such permits issued by the director of community improvement or any renewals thereof are in effect as of the effective date of this division (Ord. No. 31,132,' 1(1),(25), 5-12-81)

Sec. 9-70. Division not to apply to city.

The requirements of this division shall not apply to the city or any of its departments, and it specifically reserves the right to use and improve its reservoir property as it deems proper. (Ord. No. 31,132,' 1(23),5-12-81)

Sec. 9-71. Application for permit.

(a) Application for such permit shall be made in writing and shall set forth the proposed location of such structure and the purposes for which it is to be used, and shall be accompanied with plans and specifications for the construction thereof.

(b) No permit shall be issued unless the prescribed application with plans and specifications, all in the form prescribed herein and in compliance with the standards set by the director pursuant to this section, shall be received by the director of utilities

(c) The director of utilities shall make , and provide public access to, standards for the type and characteristics of the materials from which such structures must be constructed, for the dimensions or ranges of dimensions thereof, for the placement of such structures with regard to the water line and any other relevant topographical features, and for any other aspects of such structures for which he deems standards necessary to preserve and protect the waters of the reservoir and/or the purity thereof. Such standards shall be mandatory upon all persons applying for permits, and shall have been set forth in documentary form on or before the effective date of this division

(d) Documents entitled "City of Norfolk, City Reservoir Pier Requirements, Standard Pier Details," and "City of Norfolk, City Bulkhead Requirements, Standard Bulkhead Details," copies of which are on file in the office of the director of utilities, are hereby approved as setting forth the standards for construction referred to herein. (Ord. No. 31,132,' 1(2),(3),(7),(24),5-12-81)

Sec. 9-71.1. Qualifications for issuance of permit.

(a) Only those persons owning real property in fee simple adjacent to real property owned by the city upon which such structure is proposed to be located may be issued permits pursuant to this division No person owning property having a frontage on city property adjoining such reservoirs less than fifty (50) feet, or a depth which is less than one hundred (100 feet, or a width on the side opposite from said frontage less than fifty (50) feet, shall be issued a permit for the construction, maintenance or use of a pier, landing or similar structure pursuant to this division

(b) For the purposes of obtaining a permit for the construction, maintenance or use of a pier, landing or similar structure pursuant to this division a person shall be deemed to mean a natural person, or a family or group of persons, residing in a permanent dwelling house located upon the property mentioned in subsection (a) of this section. Such property must be owned by said person at the time of application for a permit pursuant to this division, and such permanent dwelling house must be in existence or under construction at the time the application is filed. Mobile homes,

travel trailers, pickup campers, tent campers, converted trucks or buses, tents and other similar housing or shelter arrangements and devices (whether or not same are affixed to a permanent foundation) shall be deemed to be excluded from the term "permanent dwelling house"

(c) Any person making application for a permit shall state in writing as part of said application, that he, she or they meet the requirements of this section as to residence and ownership, and that the property owned by said person meets the requirements of this section as to size and location. (Ord. No.31,132,' 1(4)-(6),5-12-81)

Sec. 9-72. Insurance; hold-harmless agreement.

(a) Issuance of a permit pursuant to this division shall be conditional upon the person applying for and holding said permit obtaining, paying for and keeping in effect public liability insurance with the city as named insured, in the minimum amounts of three hundred thousand dollars (\$300,000.00) per person injured and one hundred thousand dollars (\$100,000.00) property damage per incident.

(b) Any person applying for or holding a permit pursuant to this division shall agree in writing to hold and save the city harmless from any and all liability of whatsoever nature, and to indemnify the city against any loss whatsoever, incurred by reason of the existence or maintenance of the permitted structure. (Ord. No. 31, 132,' 1(8),(9), 5-12-81)

Sec. 9-73. Permit dependent upon other permits, etc.

The granting of any permit pursuant to this division shall be conditioned upon the applicant's obtaining all other applicable permits, licenses or permissions in whatever form, if any, which may be required by any government having jurisdiction. The applicant shall bear the risk of failure to obtain such permits, licenses, or permissions, and of violation of the conditions thereof. Any such failure or violation shall constitute grounds for revocation of the permit issued pursuant to this division (Ord. No.31,132,' 1(18),5-12-81)

Sec. 9-74. Granting or denial of permit.

If the proposed location of such structure shall be suitable therefor and the structure according to the plans and specifications submitted, shall be safe and shall meet the standards set forth by the director of utilities, and shall not interfere with the reasonable use of the city's property and/or the reservoir, and shall not be otherwise inimical to the public welfare the director of utilities shall issue such permit; otherwise, he shall refuse to issue same. (Ord. No. 31,132,' 1(10),5-12-81)

Sec. 9-75. Revocability.

(a) Any permit issued pursuant to this division shall be revocable by the director of utilities at any time upon reasonable evidence satisfactory to him that any of the conditions of this division or of his standards have not been complied with or have been violated. Any permit so issued shall also be revocable at the will of the city council, by a vote of a majority of its members present, at any meeting thereof.

(b) Any permit issued pursuant to this division shall be expressly subject to all of the conditions set forth or referred to herein, and shall so state. Violation of any of such conditions shall be grounds for revocation. (Ord. No.31,132' 1(11),(12),5-12-81)

Sec. 9-76. Transferability.

No permit issued under the provisions of this division shall be transferable. However, subsequent purchasers of property having such permit shall be allowed to apply for a new permit if they do so within thirty (30) calendar days after purchase. (Ord. No.31,132' 1(17),5-12-81)

Sec. 9-77. Existing structures.

(a) The owner of any existing bulkhead and/or pier, landing or similar structure for boats made out into the waters of city-owned water supply reservoirs from property adjacent to said water owned by the city, shall, within sixty (60) calendar days from the effective date of this division, make application to the director of utilities for a permit as provided in this division. Upon such application, such structure shall be inspected by the designate of the director of utilities as to its suitability and compliance with the provisions of this division and the standards established pursuant to this division. If such structure is found to be suitable and in proper repair, a permit shall be issued therefor as provided in this division. If such structure is not found to be suitable and in proper repair, the owner thereof shall be notified in writing by certified mail, return receipt requested, as to what is to be done to make such structure comply with said standards and requirements of this division. If the matters required to be done, as set forth in said written notification, have not been accomplished and completed within sixty (60) days after the date such notification is mailed to said owner at the address given on said application, the director of utilities shall cause such structure to be removed at the cost and expense of the said owner. Ten (10) days prior to the removal of such structure as aforesaid, the director of utilities shall post a notice upon such structure that it will be removed and demolished at the expense of the owner upon the date to be stated in the notice. If for any reason the notice cannot be posted upon such structure, the director shall cause such notice to be mailed to the owner at his last known address by certified mail, return receipt requested.

(b) Any bulkhead and/or pier, landing of similar structure made out into the water and any city-owned water supply reservoir from property adjacent to said waters owned by the city, which is found to exist upon the sixty-first calendar day after the effective date of this division, and for which no application has been made as provided in this division, shall be removed after posting or mailing of notice required, all as set forth in this division. (Ord. No. 31,132 ' 1(19), (20), 5-12-81)

Sec. 9-78. Rights of permittee.

In granting a permit pursuant to this division the city grants the same only insofar as it is authorized by law to do so; and it does not in any way guarantee to any permittee or any other person any rights or privileges with regard to constructing, maintaining or using any such bulkhead and/or pier, landing or other similar structure. (Ord. No. 31,132 ' 1(22), 5-12-81)

Sec. 9-79. Prohibitions and restrictions.

(a) No such structure shall be used or permitted to be used for any commercial purpose, nor for building, constructing or repairing any boat. No charge shall be made for the use of any such structure.

(b) Only one pier, landing or similar structure shall be permitted for any one permanent dwelling house situated upon property which meets the requirements of this division

(c) No vessel fitted for use as a dwelling or residence or occupied as such shall be permitted at any pier, bulkhead or similar structure allowed pursuant to this division

(d) The person making application for a permit pursuant to this division shall at all times keep the permitted structure clean and in good repair. No changes or additions to such structure shall be allowed subsequent to issuance of the permit therefor.

(e) The person holding a pier permit pursuant to this division may keep and tie up a boat at the permitted structure, and may place such boat upon the structure from the water; such permit holder may not place such upon land owned by the city or transport such boat across such land, or cause or allow such placement or transportation. Any such boat shall be subject to the rules and regulations of the city pertaining to boats upon waters owned by the city, as the same now exist or as they may be amended in the future; except that such boat may be kept, tied up and placed as provided in this division (Ord. No. 31,132 ' 1(13)B (16), (21), 5-12-81)

ARTICLE IV. POLLUTION OF WATER SUPPLY GENERALLY; PROTECTION OF WATERSHED.

Sec. 46.1-46. Protection of Watershed.

(a) It shall be unlawful for any person to pollute, threaten, jeopardize or render impure, turbid or offensive, the water supply of the City of Norfolk.

(b) No person shall put any filth, animal or vegetable matter, chips, compost, construction debris, shavings or any other substance or pollutant, whether solid or liquid, and whether buried or not, within the City of Norfolk's watershed property or place or dispose of any such substance in an area which drains into the watershed property or the lakes and reservoirs of the City of Norfolk.

(c) It shall be unlawful for any person to construct any sewer, privy vault, cesspool, septic tank or facility for the containment or treatment of domestic and household waste on any part of the watersheds surrounding the water supply of the city, without first securing a permit from the director of utilities and the director of health.

(d) The director of utilities shall have the right to develop and enforce policies and procedures for the protection of the City's water system lakes and reservoirs, including the Norfolk watershed property.

ARTICLE V. REGULATIONS APPLICABLE TO CITY-OWNED LAKES AND ADJOINING LAND

Sec. 46.1-47. Compliance with state fishing and boating laws.

Any person fishing in any of the lakes owned by the city shall comply with the regulations set by the Virginia Department of Game and Inland Fisheries as well as the following City of Norfolk regulations.

Sec. 46.1-48. Permit required for boating on city-owned lakes

(a) No person shall be extended the privilege of boating, including canoeing, on any of the city-owned lakes unless a boating permit is obtained and the following fees are paid therefor:

Annual permits for privately owned boats beginning January 1, shall be issued for the period January first to December thirty-first of each year at the following charges:

Nonresidents.....\$40.00

Norfolk residents\$20.00

Sixty-two (62) years of
age or over\$10.00

City of Norfolk
employees\$10.00

(b) The permit is nontransferable and shall be void if presented by any person other than the original purchaser.

Sec. 46.1-49. Boat identification tag.

(a) A boat identification tag will be issued with each permit at no extra cost. The identification tag shall be securely attached to the left bow of the boat in plain view and easily recognizable . The number on the identification tag shall be stamped on the boat permit. In the case of two (2) or more persons who own or use one boat, each must have a separate identification tag. Should an identification tag become mutilated so that its numbers cannot be read easily, it is to be removed and a new identification tag will be issued for a fee of one dollar (\$1.00). The boat owner will report a lost or stolen tag to the location where purchased.

(b) A fee of fifteen dollars (\$15.00) shall be paid and an affidavit declaring legal ownership be presented before an impounded boat will be released to any person claiming ownership.

Sec. 46.1-50 Regulations applicable to city lakes and city-owned land adjoining city lakes .

(a) Every permit issued pursuant to section 46.1-48, shall be subject to the following regulations which are hereby established for the use of all city lakes and city owned land adjoining such lakes :

- (1) All city lakes and adjacent city-owned property shall be open during hours designated by the director of utilities and posted at major entry points. .
- (2) No person shall construct boat piers, bulkheads, decks or fences or similar structures on any city lake or any city-owned land adjoining any city lake without first obtaining a permit from the director of utilities
- (3) No person shall use water skis, jet skis, surfboards, tubes, rafts, inflatable boats or similar devices on any city lakes
- (4) Sailing is not permitted on any portion of the city lakes .
- (5) No person shall permit stagnant water to accumulate in such person's private boat on any city lake .
- (6) No person shall carry or possess any firearms unless expressly authorized by the director of utilities in writing, or set off any firecrackers or other fireworks from any boat on any city lake or from any city-owned land adjoining any city lake .
- (7) No person shall swim in any lake without the permission of the director of utilities.
- (8) No person shall pollute, threaten, jeopardize or commit any act that impairs the purity of the water in any city lake.
- (9) No person shall go on any city lake unless such person is equipped with a coast guard approved personal flotation device.
- (10) No person shall go on any city lake or adjacent watershed property outside of posted hours unless he is a warden, law enforcement officer, member of a rescue unit, or other authorized personnel.
- (11) No person shall fish from any city-owned land adjoining any city lake except on property designated therefor at Lake Smith, Lake Prince, and Lake Whitehurst unless otherwise authorized in writing by the director of utilities.
- (12) All boating and fishing shall be in compliance with the regulations set by the Virginia Department of Game and Inland Fisheries and other state law

(13) No person shall take any fish from any city lake except with rod, line and hooks baited with natural or artificial bait unless authorized by the director of utilities.

(14) No person under the age of twelve (12) years shall operate any boat unless accompanied by an adult on any city lake .

(15) No person shall use any boat having an outboard motor exceeding twelve (12) horsepower on any city lake

(16) No person shall operate pontoon, paddle or houseboats on any city lake.

(17) All mechanically propelled boats are to be used for fishing only on any city lake.

(18) No person shall launch any boat exceeding 17 feet in length. Boats shall be launched only from designated launching areas on Lake Smith, Lake Prince, Lake Burnt Mills, Lake Western Branch, Lake Whitehurst, and at any other launching areas designated by the director of utilities.

(19) Any boat operated on city-owned reservoirs must comply with the Code of Virginia boating operation requirements.

(20) All permits issued pursuant to this section must be produced for inspection when requested by any patrol officers or person of properly constituted authority.

(21) Except as otherwise provided by law no person shall bring, possess, or drink any alcoholic beverage on the city lakes or on any city-owned land adjoining any city lake

(22) No person shall cause the disturbance of others through the use any sound amplification equipment or radio on the city lakes or on any city-owned land adjoining any city lake

Sec. 46.1-51. Enforcement

(a) The city law enforcement officers are authorized to enforce all provisions of this Chapter and state laws governing fishing, boating, and general sanitation on all properties owned by the city. Any duly designated sworn police officer has the authority to issue summons as specified in the Statewide Uniform Summons Procedures to person or persons violating articles of this Chapter. Prepayment of violation fines may be allowed.

(b) In the event of the violation of any of the foregoing regulations by any persons holding a permit issued pursuant to this section, the director of utilities shall have the right, in addition to any other remedies herein provided or otherwise allowed by law, to revoke such permit and to deny such person access to the city lakes and city-owned land adjoining any city lake for a period of one year.